

10/618,412

P-6028U1-1-1-1-C1

**REMARKS**

Reconsideration of the present application and entry of the amendment are respectfully requested. Claims 1 to 24 are currently pending, and claim 13 has been amended.

The Office Action mailed March 25, 2004 addressed claims 1 to 24. Claims 1 to 24 were rejected.

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. The Examiner stated that correction of the following was required: claim 13, 100-0% tungsten powder and 0-100% iron powder; claim 14, specific gravity less than 9; and claim 15, Shore D hardness of the inner cover layer of 58 or more.

Applicants respectfully submit that the specification does provide proper antecedent basis. Regarding the Shore D hardness of the inner cover layer of 58 or more (claim 15), support for this limitation may be found in the specification at page 22, lines 7 to 11. Regarding the specific gravity of less than 9, (claim 14), support for this limitation may be found at page 18, lines 26 to 28. Regarding the tungsten powder and iron powder mix (claim 13), although Applicants respectfully disagree and submit that there is support for the limitation, the claim has been amended to delete the percentages and only claim a mixture of tungsten and iron powder. Support for this limitation may be found at page 38, lines 12 to 14, in the Examples, and in the claims of the parent (US 6,612,941).

The specification was also objected to because the related application section needed to be updated. The specification has been amended to include the patent number of the parent application.

Applicants respectfully submit that the objections to the specification have been overcome. Applicants therefore respectfully request that the objections to the specification be reconsidered and withdrawn.

Claims 1 to 24 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 47, 1 to 48, 1 to 47 and 26 to 47 of U.S. Patent Nos. 6,612,941, 6,431,999, 6,616,551 and

10/618,412

P-6028U1-1-1-1-C1

6,458,047, respectively. The Examiner stated that although the conflicting claims are not identical, they are not patentably distinct from each other because the present invention is obvious over the patents because the property ranges overlap the claimed properties of the present invention.

Although Applicants respectfully disagree with the Examiner, in an effort to hasten prosecution, Applicants herein submit a Terminal Disclaimer which disclaims the terminal portion of any patent granting from the instant application, as required under MPEP § 1490. Applicants respectfully submit that this overcomes the rejection.

The Examiner is invited to telephone Applicants' attorney if it is deemed that a telephone conversation will hasten prosecution of the application.

#### CONCLUSION

Applicants respectfully request reconsideration and allowance of each of the presently rejected claims, claims 1 to 24. Applicants respectfully request allowance of claims 1 to 24, the claims currently pending.

Respectfully submitted,

THOMAS J. KENNEDY, III, ET AL.

Customer No. 24492  
Phone: (413) 322-2937

Date: June 14, 2004

By: Michelle Bugbee  
Michelle Bugbee, Reg. No. 42,370  
Attorney for Applicants  
The Top-Flite Golf Company  
A wholly-owned subsidiary of Callaway Golf Company  
425 Meadow Street  
P.O. Box 901  
Chicopee, MA 01021-0901

cc: Richard M. Klein, Esquire (SLD 2 0243-3-3-3-1)